XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक MAC 1264 सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	APPELLANTS: CLAIMANTS	Balram, S/o Lakhmu, Caste Dhurva, Aged about 26 years, R/o Bade Murma, Jagdalpur (Died, Thus name deleted)
	1.	Sonmati, W/o Late Shri Balram, Aged about 21 years,
	2.	Kumari Muskan, D/o Late Shri Balram, Aged about 1.6 years, Guardian Mother Sonmati.
	3.	Lakhmu, S/o Suder, Aged about 45 years,
		All R/o Bade Murma, Jagdalpur.
	-Versus-	
	RESPONDENTS: NON-APPLICANTS: 1.	Sudershan Nag, S/o Shri Jhimturam Nag, aged about 35 years, Thana Parpa, Jagdalpur.
	2.	The Oriental Insurance Company Ltd., Through Branch Manager, Jagdalpur.
	(Appeal under Section 173 of the Motor Vehicles Act, 1988)	
	Division Bench: - **Hon'ble Shri L.C. Bhadoo &** **Hon'ble Shri Sunil Kumar Sinha, JJ.**	
	6-11-2007:- Shri Alok Dewangan, counsel for the appellant. Oral order dictated on *Dais*. **L.C. Bhadoo, J.**	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(15)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

The claimants/appellants, who are wife, daughter and father of claimant Balram, have preferred this appeal under Section 173 of the M.V. Act, 1988 being aggrieved by the award dated 3-8-2007 passed by the 2nd Additional Motor Accident Claims Tribunal, Bastar in Claim Case No.71/2007 whereby learned Tribunal has awarded Rs.30,000/- compensation as lump sum regarding injuries sustained by the claimant as also treatment expenses. It is also mentioned in the award that during the pendency of the claim petition, claimant Balram had died.

Leaned counsel for the appellants argued that when Tribunal reached to the conclusion that the certificate was issued by the doctor regarding 35% disability incurred by the claimant on account of the accident, then learned Tribunal ought to have applied multiplier.

Having heard learned counsel for the appellant, we have perused the impugned award. In para-13 of the award, learned Tribunal has observed that during the pendency of the claim petition, claimant Balram had already died & it was not proved that he died on account of the accident. Learned Tribunal further observed that Dr. L.L. Thakur, examined by the claimant, has stated that there was 35% disability, but claimant was able to work in the ordinary course, therefore, the Tribunal awarded Rs.30,000/- in lump sum, as the claimant died within a period of 3 years from the date of the accident and about Rs.5,000/- were incurred by him on his treatment & for other headings, looking to 3 years period Rs.25,000/- has already been awarded by the Tribunal. Moreover, the claimant was working as labour at Jagdalpur. The daily income of the claimant has also not been proved. Therefore, looking to the totality of the

मामला क्रमांक MAC 1264/17 सन् 200 (16)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Barve	circumstances, lump sum Rs.30,000/- has been awarded by the Tribunal. We are of the considered opinion that the said amount is not inadequate on any ground and compensation amount is just and reasonable. In the circumstances, we do not find any substance in this appeal, same being devoid of merit, is liable to be dismissed and it is hereby dismissed. Sd/- L.C. Bhadoo Judge	Sd/- Sunil Kumar Sinha Judge 14/11/17